

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NETCHOICE,

Plaintiff,

v.

ROB BONTA, in his official capacity as
Attorney General of California,

Defendant.

Case No. _____

**DECLARATION OF ALEXANDRA
VEITCH IN SUPPORT OF PLAINTIFF
NETCHOICE'S MOTION FOR
PRELIMINARY INJUNCTION**

**DECLARATION OF ALEXANDRA VEITCH IN SUPPORT OF PLAINTIFF
NETCHOICE'S MOTION FOR PRELIMINARY INJUNCTION**

1 I, Alexandra N. Veitch, declare as follows:

2 1. I am the Director of Public Policy for the Americas at YouTube. As part of my role,
3 I lead a team that monitors and assesses the U.S. legislative and regulatory landscape, including
4 policy proposals and legislation, such as California Senate Bill 976 (2024) (“SB976” or “Act”)
5 that would affect YouTube’s ability to provide services and content to users in California—and
6 perhaps worldwide. My team also leads external advocacy for YouTube’s policies and practices
7 with government leaders and policy stakeholders, advises the company on public policy issues as
8 it relates to online, user-generated content, and represents the company in public policy forums,
9 across a broad region.

10 2. I submit this declaration in support of Plaintiff’s Motion for Preliminary Injunction.
11 I am over the age of 18 and am competent to make the statements herein. I have personal
12 knowledge of the facts set forth in this declaration and, if called and sworn as a witness, could and
13 would competently testify to them.

14 3. YouTube is an online video-sharing service that allows users to view, create,
15 upload, and share videos with others around the world. YouTube strives to be a community that
16 fosters self-expression on an array of topics as diverse as its user base, and to nurture a thriving
17 creative and informational ecosystem. As a result, YouTube has a wealth of highly valuable and
18 enriching user-generated content, providing users with a wide array of news, educational content,
19 and entertainment.

20 4. People in California use YouTube’s services.

21 5. I understand that Google and YouTube may be subject to the Act, as one or both
22 may meet the definition of an “operator” or what the Act pejoratively calls an “[a]ddictive internet-
23 based service or application.” Cal. Health & Safety Code § 27000.5(b)(1).

24 **YouTube’s Principled Approach to Minors and Responsibility**

25 6. On YouTube, “[c]hildren and teenagers today can access a world of possibilities”:
26 “Whether it’s exploring important topics around the world or looking up a video to help with
27 algebra homework, they’ve never known a reality without this world at their fingertips.” Neal
28

1 Mohan, *YouTube’s Principled Approach for Children and Teenagers*, YouTube Official Blog
 2 (Oct. 16, 2023), <https://perma.cc/T5BB-HC9T>. We believe that “[f]amilies everywhere deserve
 3 the same safe, high-quality experience online, no matter where they live. And all children and
 4 teenagers ought to have the same access to the opportunities the internet provides.” *Id.*

5 7. YouTube has invested, and continues to invest, immense resources in developing
 6 and fostering age-appropriate services, features, and policies, making age-appropriate user-
 7 generated content accessible for its users. Five principles guide YouTube’s approach to minors:

- 8 • “The privacy, physical safety, mental health, and wellbeing of children and teenagers
 9 require special protections online”;
- 10 • “Parents and caregivers play an important role in setting the rules for their family’s
 11 online experiences, particularly for the youngest children”;
- 12 • “All children and teenagers deserve free access to high-quality and age appropriate
 13 content that meets their individual interests and needs”;
- 14 • “The developmental needs of children differ greatly from those of teenagers and should
 15 be reflected in their online experiences”; and
- 16 • “With appropriate safeguards, innovative technologies can benefit children and
 17 teenagers.”

18 *Id.*

19 8. These Youth Principles are just one part of the work we do to foster a vibrant, safer,
 20 and open community for users. To successfully support this community, YouTube must constantly
 21 balance disseminating a wide range of user-generated content against addressing objectionable and
 22 harmful speech. On one hand, the Internet is a force for creativity, learning, and access to
 23 information. The world is a better place when we listen, share, and build community through our
 24 stories. We strive to empower users to access, create, and share information. We believe that a free
 25 flow of ideas fosters opportunity, community, and learning, and enables diverse and authentic
 26 voices to break through.

1 9. As a result, YouTube is full of valuable and enriching content for minors. They can
2 encounter educational content, spanning lectures on history from leading universities across the
3 world to step-by-step instructions on how to solve calculus problems. They can watch
4 performances of centuries' old musical compositions and clips of the latest Broadway plays.
5 Indeed, YouTube's open approach ensures that people across the world can interact across
6 language, geography, and culture—breaking down the barriers to information.

7 10. But on the other hand, an open Internet poses challenges. Bad actors exploit the
8 Internet, including YouTube, for their own personal gain or for purposes of causing harm, even as
9 we invest in the policies and systems to stop and deter them. Objectionable and harmful content
10 on our website also makes YouTube less open, not more, by creating a space where creators and
11 users may not feel safe to share, learn, and experience. We believe that, in order to have and protect
12 openness, a service should attempt to strike the right balance between fostering freedom of
13 expression and decreasing the likelihood that users will encounter harmful user-generated content
14 on our service.

15 11. Consequently, working to keep harmful and illegal content off our services is core
16 to the work of many different teams across Google and YouTube. When it comes to the
17 information and user-generated content on our services, we discharge that responsibility based on
18 clear, transparent policies and processes.

19 **YouTube's Age-Appropriate Experiences and Policies for Minors**

20 12. YouTube has long invested in research, policies, and practices to offer age-
21 appropriate ways for minors to explore, learn, and participate in the online world. Such efforts are
22 designed with consideration of our youngest users' wellbeing. We also provide tools and guidance
23 that offer families flexibility to choose the right experience for them, enabling them to create
24 healthy and positive digital habits at home and in school. We believe that appropriate safeguards
25 can empower young people and help them learn, grow, and prepare for the future. Accordingly,
26 we (1) invest in age-appropriate services and features that align with children's and teens'
27 developmental stages and needs; (2) offer tools that give families flexibility to manage their
28

relationships with technology; (3) implement policies, protections, and programs that aim to increase online safety for children and teens; and (4) provide resources that teach the fundamentals of digital citizenship and media literacy to allow for confident, safer online exploration.

13. We also prioritize making robust resources and guides available for children, teens, and their parents so they can better understand YouTube’s services. *See, e.g.*, YouTube Help, Understand Your Choices as a Family, <https://perma.cc/7LYQ-RT3S>; YouTube Help, What is a Supervised Experience on YouTube?, <https://perma.cc/ML4N-F64F> (“YouTube Help, What is a Supervised Experience”).

14. YouTube offers “Supervised Experiences for Teens.” With this experience: [P]arents and teens will be able to link their YouTube accounts in our new Family Center hub. In Family Center, parents can see shared insights into their teens’ channel activity on YouTube including the number of uploads, subscriptions and comments. Parents (and teens) will also receive proactive email notifications at key events, like when teens upload a video or start a livestream, providing an opportunity to offer advice on responsible creation supported by resources created with Common Sense Networks, an affiliate of Common Sense Media.

James Beser, *A Collaborative Approach to Teen Supervision on YouTube*, YouTube Official Blog (Sept. 4, 2024), <https://perma.cc/KVE6-HUUZ>.

15. Using these features, parents can (1) receive email notifications when a teen uploads a video or starts a livestream, which “provid[es] an opportunity to offer advice on responsible creation supported by resources created with Common Sense Networks, an affiliate of Common Sense Media,” *id.*; (2) gain insights into their teen’s channel activity (such as “the number of uploads, subscriptions[,] and comments”) *id.*; and (3) link accounts between a parent and teen, YouTube, My Family, <https://perma.cc/8SFQ-LXXZ>.

16. In addition, users known to be under the age of 13 are required to have their parent’s consent to their having an account. Further, the parent’s account remains linked to their child’s account so that they can help manage their child’s YouTube experience. When a parent sets up a child’s Google Account, the parent is given the option to either allow the child to access only YouTube Kids (a standalone service described in detail below) or set up a “Supervised Experience”

1 on YouTube. YouTube offers varying content levels and features that are meant to align with kids’
 2 developmental stages and give families tools to supervise children’s use of the website. YouTube
 3 Kids and supervised experiences reach more than 100 million active logged-in and logged-out
 4 viewers every month.

5 17. *YouTube Kids*: YouTube’s standalone service “YouTube Kids” is a filtered version
 6 of YouTube built specifically to let children under the age of 13 explore age-appropriate content,
 7 with additional tools for parents and caregivers to moderate the content children see. YouTube
 8 Kids, A Safer Online Experience for Kids, <https://perma.cc/5JGF-HA89> (“YouTube Kids, A Safer
 9 Online Experience for Kids”). YouTube Kids features a carefully curated selection of “content that
 10 is age-appropriate, adheres to our quality principles, and is diverse enough to meet the varied
 11 interests of kids globally.” *Id.* YouTube works “with a variety of external specialists in child
 12 development, children’s media, and digital learning and citizenship” to determine what content
 13 should be available on YouTube Kids. *Id.* As a result, kids have access to a broad range of high-
 14 quality content. *See* James Beser, *Enabling a High Quality Kids Experience & Helping Kids*
 15 *Creators Thrive on YouTube*, YouTube Official Blog (Dec. 16, 2022), [https://perma.cc/AN47-](https://perma.cc/AN47-XJTI)
 16 [XJTI](https://perma.cc/AN47-XJTI) (“Beser, *Enabling a High Quality Kids Experience & Helping Kids Creators Thrive on*
 17 *YouTube*”). “The YouTube Kids team has developed a set of quality principles and content policies
 18 to help guide which videos are eligible to be a part of the YouTube Kids app. This work is further
 19 informed by feedback from parents and through consulting with a variety of external specialists in
 20 child development, children’s media, and digital learning and citizenship. Our automated filters,
 21 which take these efforts into account, then identify family-friendly content for inclusion in the app.
 22 The YouTube Kids team also programs content for five categories (e.g. Learning, Shows, Explore,
 23 Music, and Gaming) on the homepage of YouTube Kids.” YouTube Kids, A Safer Online
 24 Experience for Kids,. Parents can further curate the content their children can see. YouTube Kids,
 25 Tips and Tools for Your Family, <https://perma.cc/ZBE8-ULDL>. Videos on YouTube Kids include
 26 popular children’s videos, educational content, and content from trusted partners. We have
 27 invested heavily over the years to make YouTube Kids a safer, family-friendly place for kids to
 28

1 explore their imagination and curiosity. In addition to other tools discussed below, our built-in
 2 timer in YouTube Kids lets parents or caregivers, at their discretion, “limit screen time by telling
 3 kids when it’s time to stop watching.” See YouTube for Families Help, Limit Screen Time on
 4 YouTube Kids, <https://perma.cc/L5ZB-2KM8> “The timer will display a friendly alert and stop the
 5 app when the session is over” so that parents or caregivers do not have to. *Id.* Similarly, parents
 6 can control their minor children’s privacy settings. YouTube for Families Help, Manage YouTube
 7 Kids Profile Settings, <https://perma.cc/79KP-77EK>. In short, YouTube Kids provides a simplified
 8 version of the service that is attuned to the needs of younger users, providing primarily a service
 9 for viewing age-appropriate content, while removing many features that may be less useful for
 10 these age groups, such as commenting.

11 18. *Supervised Accounts:* YouTube also provides “supervised accounts” that are linked
 12 to parents’ accounts for children (up to the relevant age of consent) whose parents decide their
 13 children are ready to explore some of YouTube’s vast universe of user-generated content. In these
 14 parent-managed accounts, and at the parent or caregiver’s discretion, “parents [can] select a
 15 content setting that limits the videos and music [their] children under 13 can find and play.”
 16 YouTube Help, What is a Supervised Experience. For example, parents can, among other things,
 17 (1) “block specific channels”; (2) change their minor child’s permissible “content level settings,”
 18 including “Explore” (generally for viewers 9+), “Explore More” (generally for viewers 13+), and
 19 “Most of YouTube” (almost all videos on YouTube except for videos marked only for adults or
 20 otherwise not appropriate); and (3) review their child’s watch history from their device as well as
 21 pause and clear their child’s search and watch history in parent tools. YouTube Help, Parental
 22 Controls & Settings for Supervised Experiences on YouTube, <https://perma.cc/CN6R-GT74>
 23 (“YouTube Help, Parental Controls & Settings for Supervised Experiences on YouTube”); see
 24 also YouTube Help, Choose Content Settings for Pre-teen Supervised Experiences,
 25 <https://perma.cc/3EB6-5THT>. “Supervised accounts also change the features they can use, the
 26 default account settings, and the ads they see.” YouTube Help, What is a Supervised Experience.
 27 For instance, functionalities like creating content and posting content are disabled on the
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Supervised Experience. *Id.* Further, when parents create a Google Account for their child with Family Link and use YouTube’s Supervised Experience, parents and caregivers can set screen time limits on their Android device or Chromebook. Google Family Link, FAQ, <https://perma.cc/A2HD-RJDS>. Parents and caregivers can set their child’s Android device or Chromebook to lock after the child has used it for a certain amount of time or when the parents or caregivers think their child needs downtime. Google for Families Help, Manage Your Child’s Screen Time, <https://perma.cc/UC2Z-7NRB>. Parents set up their own accounts to serve as managing accounts. Google for Families Help, Understand YouTube & YouTube Kids Options for Your Child, <https://perma.cc/EUQ7-SXQGI>.

19. YouTube also offers a suite of digital wellbeing tools that encourage children and teens to be mindful of their screen time.

20. *Autoplay*: YouTube’s autoplay feature is turned off by default for all users we know to be under 18 across all of YouTube’s services. YouTube Help, Autoplay Videos, <https://perma.cc/VP4A-2AJQ> Parents or caregivers can choose to disable autoplay on YouTube Kids and YouTube’s Supervised Experiences. *See* Parental Controls & Settings for Supervised Experiences on YouTube.

21. *Recommendations on YouTube for Teens*: Our recommendations system plays an important role in how we maintain a responsible and enriching platform for younger users. It helps to connect them to high-quality content—informed by quality principles developed in collaboration with independent child development and digital wellbeing experts—that inspires curiosity, imagination, and creativity. It also minimizes the chances they’ll see low-quality content. In short, personalization is one of the main tools we use to safeguard minors’ wellbeing. Importantly, as compared to social media platforms that are based on a social graph, YouTube doesn’t depend on “friends” or “connections” to be useful. Rather, YouTube is a massive content library where recommendations help surface the most relevant videos for viewers. For example, a young user likely wants to see the highest quality video to prepare for SATs, not necessarily the newest one, the one with the most “likes,” or the one “trending” nearest you. We have also worked

to refine our recommendation systems so that teens on YouTube are not overly exposed to user-generated content that, while perhaps acceptable as a single video, could be considered differently if viewed in high quantities. Through consultation with our Youth & Families Advisory Committee and with input from academic research, we “define[d] categories of videos that are innocuous in a single view, but that could be problematic if viewed in repetition for some young viewers” which “include content that”: (1) “Compares physical features and idealizes some types over others”; (2) “Idealizes specific fitness levels or body weights”; and (3) “Features social aggression (non-contact fights and intimidation).” YouTube, Building Content Recommendations to Meet the Unique Needs of Teens and Tweens at 3, <https://perma.cc/XKZ5-6EJV?type=image>. We have implemented guardrails for teens to limit repeated recommendations of videos related to these topics.

22. *“Take a Break” Reminders*: These reminders pause a video until a user dismisses or resumes playing the video. This feature is turned on by default for all users we know to be under 18 across all of YouTube’s services, including on Supervised Experiences. YouTube Help, Take a Break Reminder, <https://perma.cc/S5H3-3945>.

23. *Bedtime Reminders*: Users can set a specific time to receive a reminder to stop watching YouTube and go to bed. This reminder is turned on by default for all users we know to be under 18 across all of YouTube’s services, including on Supervised Experiences. YouTube Help, Set a Bedtime Reminder, <https://perma.cc/MDV2-ZAG8>.

Partnerships With Experts

24. YouTube has ongoing partnerships with independent experts in fields such as child development, emerging media, and digital wellbeing. For example, we have created a set of best practices for kids and family content. *See, e.g.*, YouTube Help, Best Practices for Kids & Family Content <https://perma.cc/UAV2-2CVG>. These best practices help guide creators to create quality content that “support[s] child development and wellbeing by promoting things like . . . respect[,] healthy habits, learning and curiosity, [and] play and imagination.” Beser, *Enabling a High Quality Kids Experience & Helping Kids Creators Thrive on YouTube*. They also help determine which

content is recommended in the main YouTube experience and is included in YouTube Kids. Last year, YouTube updated our Community Guidelines to update our approach to eating disorder-related content, including by limiting the visibility of certain content to adults. Dr. Garth Graham, *An Updated Approach to Eating Disorder-Related Content*, YouTube Official Blog (Apr. 18, 2023), <https://perma.cc/9PWG-9QPU>. This change was informed by independent experts such as the National Eating Disorder Association. *Id.* YouTube’s Youth and Family Advisory Committee also advises YouTube on the developmental stages of teens and how content consumed online can affect their wellbeing. James Beser, *Continued Support for Teen Wellbeing and Mental Health on YouTube*, YouTube Official Blog (Nov. 2, 2023), <https://perma.cc/U2A2-VVBS>.

YouTube’s Minor-Specific Content and Safety Policies

25. YouTube strives to provide positive online experiences for our users, and that is especially true for children and teens. Over the years, we have developed a robust set of policies and enforcement mechanisms to ensure that YouTube remains a welcoming community for our users. For minors specifically, that might require limiting their access to certain user-generated content—in addition to developing different services that better strive to reflect minors’ needs.

26. YouTube has always maintained a set of Community Guidelines that outline categories of content that are prohibited on YouTube. These Guidelines apply to all types of content on our services, including videos, comments, links, thumbnails, video descriptions, stories, posts, live streams, playlists, external links contained in uploaded content (including clickable URLs or verbal directions to users to visit other sites), and any other user-generated content. Our Community Guidelines are a key part of our broader suite of policies, and we regularly update them to keep pace with emerging challenges. *See* YouTube, Community Guidelines, <https://perma.cc/KG7R-D3HU> (“YouTube, Community Guidelines”). Our policies for prohibited or restricted content address a variety of issues, including:

27. *Age-Restricted Content:* We age-restrict user-generated content that might not violate our Community Guidelines but that would otherwise be inappropriate for minors. These include categories of content such as (1) “nudity and sexually suggestive content”; (2) content that

1 depicts “adults participating in dangerous activities that minors could easily imitate”; (3) “violent
2 or graphic content”; and (4) “vulgar language.” YouTube Help, Age-Restricted Content,
3 <https://perma.cc/Y9MG-JTD4>. Age-restricted videos are not viewable to users who are known to
4 be under 18 or any signed-out user. *Id.*

5 28. *Child Safety*: YouTube has a standalone “Child Safety Policy” that prohibits
6 “[s]exually explicit content featuring minors and content that sexually exploits minors.” YouTube
7 Help, Child Safety Policy, <https://perma.cc/R82U-8PJR>. We report content on YouTube that
8 contains child sexual abuse material (“CSAM”) to the National Center for Missing and Exploited
9 Children (“NCMEC”). *Id.* This policy also prohibits content: (1) showing a minor participating in
10 “harmful or dangerous acts”; (2) that could encourage minors to participate in dangerous activities;
11 (3) showing any infliction of physical, emotional, or sexual abuse on a child; or (4) concerning
12 “[c]yberbullying and harassment involving minors.” *Id.* The Child Safety Policy also prohibits
13 content that targets minors and families, but contains problematic content including, but not limited
14 to, “sexual themes, violence, [and] other [inappropriate]” themes intended to shock young
15 audiences. *Id.* In addition, “content that doesn’t violate our policies but features children may have
16 some features disabled at both the channel and content level. These features may include”:

- 17 • Comments;
- 18 • Live chat;
- 19 • Live streaming;
- 20 • Video recommendations (how and when your video is recommended);
- 21 • Community posts; and
- 22 • Shorts Video remixing.

23 *Id.*

24 **YouTube’s General Content Moderation Policies**

25 29. YouTube has robust and extensive content moderation policies and enforcement.
26 *See* YouTube, Community Guidelines.

1 30. YouTube has also developed policies around “educational, documentary, scientific,
2 and artistic content” (EDSA), dealing with topics that might otherwise violate our Community
3 Guidelines. Michael Grosack, *A Look at How We Treat Educational, Documentary, Scientific, and*
4 *Artistic Content on YouTube*, YouTube Official Blog (Sept. 17, 2020), [https://perma.cc/VW9D-](https://perma.cc/VW9D-2CHB)
5 [2CHB](https://perma.cc/VW9D-2CHB). Decisions about whether a piece of content qualifies for an EDSA exception “are nuanced
6 and context is important.” *Id.* As an example, YouTube “do[es] not allow content targeting minors
7 with insults or bullying, but [YouTube] may allow content that shows this as part of an educational
8 anti-bullying campaign provided the minors are actors or their identity [is] hidden.” *Id.* “EDSA
9 exceptions are a critical way we make sure that important speech stays on YouTube, while
10 protecting the wider YouTube ecosystem from harmful content.” *Id.*; see YouTube Help, How
11 YouTube Evaluates Educational, Documentary, Scientific and Artistic (EDSA) Content,
12 <https://perma.cc/UGZ9-QG8T>.

13 31. YouTube has billions of monthly logged-in users, and over 500 hours of content
14 are uploaded every minute by an extraordinarily diverse community of creators, who span more
15 than 100 countries and 80 languages. See YouTube for Press, YouTube Official Blog,
16 <https://perma.cc/8553-T3JH>. On a daily basis, users watch more than a billion hours of video on
17 YouTube and generate billions of views. *Id.*

18 32. YouTube has developed robust means of addressing user-generated content that
19 violates our policies. YouTube relies on a mix of human and automated effort to detect violative
20 content and remove it. YouTube’s first line of defense is automated systems that are trained with
21 machine learning and/or incorporate hash-matching technology to quickly identify and take action
22 against violative content. YouTube also relies on global teams to review flagged content and
23 remove it, restrict who can view it, or leave the content on the site if it does not violate any policies.
24 YouTube employs expert teams around the world to investigate sophisticated bad actors who are
25 adept at circumventing automated defenses. YouTube, Information Quality & Content Moderation
26 at 12, <https://perma.cc/CZ6N-WLBM> (“YouTube, Information Quality & Content Moderation”).
27 Content moderation can be human-resource intensive, even for CSAM and known violative
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1 content. YouTube verifies with human review all CSAM hashes to confirm that they are CSAM
2 before they are reported to NCMEC. And human review becomes even more time-intensive and
3 important for other illegal conduct like “grooming,” trafficking, or harassment that requires more
4 context to understand if illegal activity is taking place.

5 33. While no system of reviewing such a high volume of content is foolproof, YouTube
6 expends great effort and resources in removing objectionable and harmful user-generated content
7 before most users see it. In fact, the vast majority of violative videos are seen by fewer than 10
8 people before they are removed. In the second quarter of 2024, approximately 59.91% of removed
9 videos had no views before they were removed, and approximately 24.34% had between 1-10
10 views. *See* Google, YouTube Community Guidelines Enforcement Report – Removals,
11 <https://perma.cc/5S65-TQ4R> (“Google, Community Guidelines Enforcement
12 Report – Removals”). Over that same period, YouTube removed 8,497,876 videos. *Id.* YouTube
13 has also created a metric for determining what percentage of views on YouTube comes from
14 content that violates our policies. This metric, known as the Violative View Rate (VVR), helps us
15 measure our responsibility work. *See* Google, YouTube Community Guidelines Enforcement
16 Report – Views, <https://perma.cc/8W56-YSHW>. YouTube’s VVR is calculated by taking a sample
17 of viewed videos to a team for review. The team then determines which videos in the sample
18 violate our policies, and YouTube uses these decisions to estimate a VVR. *Id.* In the second quarter
19 of 2024, YouTube estimated a 0.09-0.11% VVR. *Id.* This means that out of every 10,000 views
20 on YouTube, 9-11 come from violative content. This is down by more than 85% when compared
21 to the final quarter of 2017 (when our teams started tracking this metric), in large part thanks to
22 our investments in robust content moderation, including automated technologies and human
23 review.

24 34. Our practices also involve taking action against users and channels that continue to
25 upload violative content. A YouTube channel is terminated if it accrues three Community
26 Guidelines strikes in 90 days, has a single case of severe abuse (such as predatory behavior), or is
27 determined to be wholly dedicated to violating our guidelines (as is often the case with spam
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1 accounts). When a channel is terminated, all of its videos are removed. In the second quarter of
2 2024, YouTube terminated 3,260,974 total channels. *See* Google, Community Guidelines
3 Enforcement Report – Removals. The majority of channel terminations are a result of accounts
4 being dedicated to spam (80.4%) or adult sexual content (4.8%) in violation of our guidelines. *Id.*

5 35. Our efforts are not limited to removing objectionable and harmful user-generated
6 content in the videos uploaded on our site. They also extend to user-generated comments. In the
7 second quarter of 2024, YouTube removed approximately 1,372,493,981 comments. *Id.*
8 Approximately 99.6% percent of comments removed are first detected by YouTube’s automatic
9 flagging system, and the majority of actions taken against comments (80.8%) are for spam. *Id.*

10 36. Enforcing our policies takes tremendous effort. YouTube’s global teams work
11 continually to remove user-generated content from YouTube that violates our policies. We
12 endeavor to give our teams visibility into emerging issues before they reach, or become widespread
13 on, our website. That valuable visibility is driven by our Intelligence Desk, a team within
14 YouTube’s Trust & Safety organization. These specialized analysts identify trends and the risks
15 they pose. They also regularly monitor ongoing threats, both tracking their prevalence across
16 media and evaluating how they morph over time. Our teams also work to provide appropriate age
17 restrictions and other appropriate warnings on content.

18 37. Given the open nature and scale of YouTube and because bad actors are constantly
19 refining how they attempt to evade detection, detecting violative user-generated content cannot be
20 done with perfect accuracy nor always upon the moment of upload. YouTube, Information Quality
21 & Content Moderation at 12. Nevertheless, YouTube continuously works to combat new
22 challenges and bad actors through a multi-faceted and nuanced approach to exercising its
23 discretion in setting its content moderation policies, working to distinguish among content that is
24 truly objectionable or harmful, borderline content (which is content that comes close to violating,
25 but does not quite violate our Community Guidelines), and content that contributes positively to
26 the YouTube community. To that end, we have a diverse set of means to help us keep our
27 community safe, including: (1) appending warning interstitials for sensitive content; (2) surfacing
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1 helpful resources for crisis management; and (3) suspending and/or terminating channels or
 2 accounts. YouTube also encourages creators to age-restrict content when appropriate. The
 3 YouTube Team, *Using Technology to More Consistently Apply Age Restrictions*, YouTube
 4 Official Blog (Sept. 22, 2020), <https://perma.cc/8AG3-24AE>. We apply age restrictions on content
 5 ourselves, when needed. We have other tools to help us provide authoritative information on our
 6 service—such as the use of information panels to show basic background information, sourced
 7 from independent, third-party partners, that give more context on a topic. For example, in
 8 partnership with third-party expert organizations and global experts in the space, we expanded our
 9 crisis resource panels to introduce a “pause” page for queries related to suicide, self-harm, and
 10 eating-disorder topics that provides users with options with how to proceed before they are able to
 11 see search results related to these topics. These include selecting to contact third-party crisis-
 12 resource-hotline partners for support or searching for various self-help tools. We further prioritize
 13 the recommendations of authoritative content and limit the spread of borderline content to users
 14 through recommendations. Because removing content is only one way of managing content,
 15 YouTube has developed and invested in this diverse set of tools that are essential in balancing free
 16 expression and responsibility on our website. Simply put, these tools provide additional
 17 information and options compared to simply removing (or not removing) user-generated content
 18 from our website.

19 **YouTube’s Compliance Obligations Under the Act**

20 38. Google and YouTube support regulations designed to protect the wellbeing of
 21 minors online while ensuring that users’ rights to access speech are not impeded. *See generally*
 22 Google, Legislative Framework to Protect Children and Teens Online, [https://perma.cc/8D7Y-](https://perma.cc/8D7Y-D7NQ)
 23 [D7NQ](https://perma.cc/8D7Y-D7NQ) (“Google, Legislative Framework”). But the Act here is not well-suited to protect minors.
 24 It fails to take into account differences among online services, fails to take into account the
 25 differences among minors at different developmental levels, and ultimately will only impede
 26 minors’ access to valuable information and speech online. Furthermore, it will discourage and
 27 stymie innovation that makes YouTube’s services better for all.

39. *Parental-consent requirement for minors to view personalized feeds (Cal. Health & Safety Code §§ 27001, 27002(b)(2)).* I understand the Act provides that “[i]t shall be unlawful for the operator of an addictive internet-based service or application to provide an addictive feed to a user unless . . . [t]he operator has obtained verifiable parental consent to provide an addictive feed to the user who is a minor.” Cal. Health & Safety Code § 27001(a)(2). I also understand that the Act provides that the “operator of an addictive internet-based service or application shall provide a mechanism through which the verified parent of a user who is a minor may. . . [l]imit their child’s access to any addictive feed from the addictive internet-based service or application to a length of time per day specified by the verified parent. This setting shall be set by the operator as on by default, in a manner in which the child’s access is limited to one hour per day *unless modified by the verified parent.*” *Id.* § 27002(b)(2) (emphasis added).

40. As I understand Section 27001(a)(2), it would prohibit YouTube from displaying personalized feeds to minors *at all* without first securing parental consent.

41. Section 27001(b)(2) would also require YouTube to secure parental consent before allowing minors to view personalized feeds for more than one hour per day. Although parents have supervision options (described above), YouTube currently does not require minors to secure parental consent to view personalized feeds on YouTube’s main service.

42. Compliance with these provisions will negatively affect users’ experiences. Implementing such systems would significantly restrict, if not block entirely, access to information and services online. As we have said, legislatively mandating parental consent “could unnecessarily preclude some teens from accessing the basic benefits of the online world and have unintended effects on vulnerable youth.” Google, Legislative Framework at 2. Among other reasons, this is because some teens may have parents who are incapacitated, abusive, not proficient in English, not technologically savvy, or otherwise not available.

43. Personalizing content is one way YouTube attempts to present useful and age-appropriate content to users. With over 500 hours of content uploaded to YouTube every minute, finding what a user needs would be nearly impossible without some help sorting through all the

1 videos, while avoiding potentially harmful content and spam. Thus, the Act could hinder young
 2 people's ability to explore their passions, learn new skills, and seek help when they need it most.
 3 LGBTQ teens, in particular, will feel this lack of autonomy. Eight out of ten LGBTQ teens who
 4 live on the streets do so because they were kicked out of their family home. Parents or guardians
 5 in those cases are not acting in the best interests of their children, and barring these teens from
 6 accessing sites absent parental consent will only further the digital divide for those children.

7 44. *Parental-consent requirement for minors to receive notifications at certain times*
 8 (*Cal. Health & Safety Code § 27002(a)*). I understand the Act provides that:

9 (1) Except as provided in paragraph (2), it shall be unlawful for the operator of an
 10 addictive internet-based service or application, between the hours of 12 a.m. and
 11 6 a.m., in the user's local time zone, and between the hours of 8 a.m. and 3 p.m.,
 12 from Monday through Friday from September through May in the user's local time
 13 zone, to send notifications to a user if the operator has actual knowledge that the
 14 user is a minor unless the operator has obtained verifiable parental consent to send
 15 those notifications.

16 (2) Commencing January 1, 2027, it shall be unlawful for the operator of an
 17 addictive internet-based service or application, between the hours of 12 a.m. and
 18 6 a.m., in the user's local time zone, and between the hours of 8 a.m. and 3 p.m.,
 19 from Monday through Friday from September through May in the user's local time
 20 zone, to send notifications to a user whom the operator has not reasonably
 21 determined is not a minor, including pursuant to regulations promulgated by the
 22 Attorney General, unless the operator has obtained verifiable parental consent to
 23 send those notifications.

24 *Id.* § 27002(a).

25 45. As I understand Section 27002(a), it would prevent minors from receiving
 26 notifications during prescribed times unless they first secure parental consent. The YouTube
 27 application employs notifications. YouTube Help, Manage YouTube Notifications,
 28 <https://perma.cc/8D7F-JP63>. These notifications "let you know when there are new videos and
 updates from your favorite channels and other content. We'll send you notifications for channels
 you're subscribed to and may also send notifications based on your interests." *Id.* Importantly,
 YouTube does *not* send "notifications if a channel's audience is set as made for kids." *Id.* YouTube
 settings allow users to alter the notifications they receive, including turning off notifications
 altogether. *Id.* Users can also change notification settings on their devices. Notifications are one

1 of the ways that YouTube facilitates user-generated expression. For example, prohibited
2 notifications could include information about other user-generated content on the service:
3 (1) information about new videos the user might be interested in; (2) updates from creators the
4 users are subscribed to; and (3) recommendations about other content. *Id.* There are legitimate
5 reasons why a teenager would want to be able to receive notifications during early morning hours;
6 for example, perhaps they wake up at 5 a.m. and check the Olympic swimming highlights before
7 going to early morning swim practice. YouTube already makes certain notifications silent at
8 particular times of day.

9 46. As explained above at ¶ 42, compliance with this provision will negatively affect
10 users' experiences.

11 47. *Age-assurance requirements (Cal. Health & Safety Code §§ 27001(a)(1)(B),*
12 *27002(a)(2), 27006(b)-(c)).* I understand the Act provides that, starting January 1, 2027,
13 “operators” must engage in some form of age assurance to determine which users are minors
14 subject to the Act’s restrictions.

15 48. As I understand this provision, it may require YouTube to verify the ages of all
16 users. Given the lack of clarity regarding what level of certainty would be appropriate and the lack
17 of a meaningful safe harbor with respect to age verification, businesses will be incentivized or
18 even compelled to resort to more intrusive methods of age verification—such as using facial
19 recognition matching against government-issued IDs before any user can create an account—to
20 protect against potential liability.

21 49. Developing and maintaining systems to verify the ages of teenagers to the level of
22 certainty that could be required by the Act is highly complex, human-resource intensive, and time
23 consuming—resulting in unrecoverable compliance costs. Additionally, as we have publicly
24 stated, age verification also “require[es] more data collection and use.” Google, Legislative
25 Framework at 2. Although difficult to estimate with certainty, YouTube will need to dedicate
26 budget, engineering resources, and other staff investment to address this provision.

1 50. Age assurance also harms Californians, as many YouTube users in California may
2 be unable or unwilling to provide the information or documentation necessary. That will impede
3 users’ “access to important information and services.” *Id.*

4 51. *Default limitations on minors’ accounts (Cal. Health & Safety Code § 27002(b)(1),*
5 *(3)-(5)).* I understand that “operators” must “provide . . . mechanism[s]” for parents to
6 (1) “[p]revent their child from accessing or receiving notifications . . . between specific hours
7 chosen by the parent” (limiting access between 12 a.m. and 6 a.m. by default); (2) “[l]imit their
8 child’s ability to view the number of likes or other forms of feedback” on a personalized feed;
9 (3) require the default feed provided to the child on the website not “recommend[], select[], or
10 prioritize[]” media “based on information provided by the user, or otherwise associated with the
11 user or the users’ device, other than the user’s age or status as a minor”; and (4) set “their child’s
12 account to private mode,” where only users connected to the child “may view or respond to content
13 posted by the child.” Cal. Health & Safety Code § 27002(b)(1), (3)-(5). All of these limitations
14 should be imposed by default. *Id.*


15 52. As I understand this provision, it would require YouTube to impose various default
16 limitations on minors accounts beyond what YouTube already provides and allow both parents
17 and minors to alter those defaults. This will require YouTube to invest resources to develop new
18 systems and could degrade minors’ experience by limiting the speech they can view.

19 53. In sum, if the Act takes effect on January 1, 2025, Google and YouTube will suffer
20 irreparable harm in the form of unrecoverable compliance costs, diminished ability to provide
21 valuable user-generated content, and ongoing regulatory uncertainty about whether its services
22 comply with the Act’s broad prohibitions. Moreover, YouTube’s users may experience a degraded
23 service that frustrates their ability to engage with the wealth of speech available on YouTube.

* * *

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed on November 8, 2024, in WASHINGTON, D.C.

Signed by:

346A76BAA93C431
ALEXANDRA N. VEITCH